

FILED

JUN 07 2019

**U.S. District Court
District Of Montana
Helena**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

KATHERINE DILLON,

Plaintiff,

vs.

PROGRESSIVE CORPORATION, and
its subsidiaries and affiliates including
PROGRESSIVE CASUALTY
INSURANCE COMPANY, ARTISAN
AND TRUCKERS CASUALTY
COMPANY, all doing business as
PROGRESSIVE ®,

Defendants.

CV 17-99-H-CCL

ORDER

Before the Court is Plaintiff's "Unopposed Motion to Vacate Clerk's Entry of Default." (Doc. 39). Rule 55(c) allows the Court to set aside an entry of default for good cause. Fed. R. Civ. P. 55(c). Plaintiff fails to provide any reason for first requesting entry of default and then moving to vacate the entry of default. The Court has therefore reviewed the record in search of good cause.

The Clerk entered default as to Defendants Progressive Corporation and Artisan and Truckers Casualty Company on May 30, 2019, the day after Plaintiff

requested entry of default. Defendant Progressive Corporation filed a motion to dismiss on June 3, 2019, and Defendant Artisan and Truckers Casualty Company filed its answer on June 5, 2019.

It seems likely that Defendants would have themselves moved to set aside default, had Plaintiff not indicated her intent to do so. There is no indication in the record of culpable conduct on the part of Defendants, who have raised potentially meritorious defenses to Plaintiff's complaint. Neither party will be prejudiced by the setting aside of the default. The Court therefore finds good cause to set aside the defaults entered by the Clerk. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Unopposed Motion to Vacate Clerk's Entry of Default (Doc. 39) is GRANTED. The Clerk is directed to set aside the defaults entered against Defendant Progressive Corporation and Defendant Artisan and Truckers Casualty Company.

Dated this 7th day of June, 2019.


CHARLES C. LOVELL
SENIOR UNITED STATES DISTRICT JUDGE